

**AN ORDINANCE
BY COUNCILMEMBER JIM MADDOX**

**AN ORDINANCE TO AMEND ORDINANCE
03-O-1377, ESTABLISHING THE "BENT
CREEK REDEVELOPMENT HOUSING
ENTERPRISE ZONE" BY ESTABLISHING A
NEW EFFECTIVE DATE; AND FOR OTHER
PURPOSES.**

WHEREAS, by local constitutional amendment, approved by referendum in November 1982, the City of Atlanta and Fulton County were authorized to create urban enterprise zones; and

WHEREAS, the City of Atlanta/Fulton County Urban Enterprise Zone Act was authorized by the Georgia General Assembly in 1983 and has subsequently been amended from time to time (particularly 1988 GA. LAWS p. 4164, *et seq.* and 1998 GA. LAWS p. 4493, *et seq.*); and

WHEREAS, the purpose of the City of Atlanta's Urban Enterprise Zone Program is to encourage private development and redevelopment in areas of the City or on sites which otherwise would be unlikely to be developed due to the existence of certain characteristics of the area or site; and

WHEREAS, owners of certain types of property may receive abatements of ad valorem taxes on new development, rehabilitation, and certain inventories over the life of the Urban Enterprise Zone designation, provided that certain conditions are met; and

WHEREAS, the Bent Creek Redevelopment Housing Enterprise Zone was so designated by the City of Atlanta by Ordinance 03-O-1377, adopted by the City Council on December 1, 2003 and approved by the Mayor on December 9, 2003, to become effective on January 1, 2004 and to expire on December 31, 2013; and

WHEREAS, Capitol Development Group, LLC, the Owner of the Bent Creek Redevelopment site, located at 2410 and 2446 Campbellton Road, S.W., 2002 Wells Drive, S.W. Rear, and 2038, 2060 & 2161 Bent Creek Way, S.W., has formally requested that the effective date of the Bent Creek Redevelopment Housing Enterprise Zone be changed until such time as a final certificate of occupancy is issued; and

WHEREAS, the Bent Creek Redevelopment Housing Enterprise Zone will consist of a total of 363 apartment and townhouse units, of which 247 or 68% will be affordable to moderate-income residents, exceeding the requirements of the City's urban enterprise zone ordinance; and

WHEREAS, pursuant to 1999 GA. LAWS p. 3709 (H.B. 483), the City of Atlanta Urban Enterprise Zone Act was amended to permit the City Council to change the effective date of creation for an existing enterprise zone if that zone has remained undeveloped as a result of unanticipated development impediments; and

WHEREAS, the Bent Creek Redevelopment Housing Enterprise Zone has encountered the following unanticipated development impediments a “stop work” order that was imposed for over 9 months, notwithstanding the fact that all issues related to tree replacement were promptly resolved, uncontrollable delays related to tax-exempt financing through the Fulton County Development Authority and the Georgia Department of community Affairs, and the discovery of an unmapped, old brick City sewer that had to be protected by a concrete box; and

WHEREAS, in the determination of the City Council, a reasonable basis exists upon which to change the effective date of creation for this existing enterprise zone.

**THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS
AS FOLLOWS:**

SECTION ONE: That the Bent Creek Redevelopment Housing Enterprise Zone designated by the City of Atlanta by Ordinance 03-O-1377, adopted by the City Council on December 1, 2003 and approved by the Mayor on December 9, 2003 be amended by this Ordinance.

SECTION TWO: That in accordance with Georgia law and because the zone has remained undeveloped as a result of unanticipated development impediments, the effective date of all exemptions for the Bent Creek Redevelopment Housing Enterprise Zone shall be January 1st of the year in which the final certificate of occupancy is issued by the City of Atlanta. The Bent Creek Redevelopment Housing Enterprise Zone shall be abolished exactly 10 years after the effective date. The Bent Creek Redevelopment Housing Enterprise Zone shall otherwise not be abolished except as provided in Georgia law.

SECTION THREE: That immediately upon its approval by the Mayor, the Municipal Clerk is hereby directed to transmit copies of this Ordinance to the Fulton County Tax Commissioner, to the Commissioner of the Georgia Department of Community Affairs, and to the Superintendent of the Atlanta Public Schools.

SECTION FOUR: That to the extent the provisions of Ordinance 03-O-1377, or any other ordinances are in conflict herewith, this ordinance shall control for this instance only.